



SAN DIEGO COUNTY OFFICE OF EDUCATION

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Superintendent of Schools

Randolph E. Ward, Ed.D.

August 8, 2012

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SAN DIEGO
COUNTY GRAND JURY

Honorable Robert J. Trentacosta
Presiding Judge of the San Diego Superior Court
220 West Broadway
San Diego, CA 92101

Re: Review and Comments on San Diego County Grand Jury 2010-11
Report "Free Education"

Dear Judge Trentacosta:

We have reviewed the Facts, Findings and Recommendations in "Free Education" from the San Diego County Grand Jury 2010/2012, Final Report. We agree with the overall findings of the Grand Jury, and concur that the San Diego County Superintendent of Schools should continue to be a resource for assisting school districts in having a clear understanding what is included in a free education.

In the Final Report, the San Diego County Grand Jury recommends that the Superintendent of the San Diego County Office of Education do the following:

Recommendation 12-27:

"Develop and administer county-wide uniform regulations and training guidelines for schools regarding fee structure in conformity with State Law."

SDCOE Response:

The San Diego County Superintendent of Schools does and will continue to provide training guidelines for school districts regarding student fees in conformity with state law, as stated in Recommendation 12-27.

The recommendation to develop and administer county-wide regulations will not be implemented as it is not reasonable. State law is clear in its uniform applicability to all public schools. Additional "regulations" would be redundant and unnecessary. The San Diego County Office of Education has neither the funding nor the jurisdiction to "impose or enforce" additional regulations beyond state law. It is incumbent upon each local education agency to develop, administer and enforce policies in this area. Best practice recommendations and sample policies are available and updated regularly for school districts by the California School Boards Association. A Fact included in the Grand Jury report states, "Administrators have a training program in place to assist school personnel at each level to understand the difference between a mandatory school fee and an elective school fee." Since the schools already have training programs in place, the San Diego County Office of Education can and will provide further guidance for training associated organizations such as PTAs, booster clubs and foundations, but the responsibility for enforcing legal compliance through district policies rests with each individual school district.

Board of Education

Mark C. Anderson Susan Hartley Sharon C. Jones Jerry R. Rindone John Witt

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Recommendation 12-28:

"Restructure budgets for this service from school districts and shift the cost to the San Diego County Office of Education."

SDCOE Response:

The recommendation to shift the cost for this service from school districts to the San Diego County Office of Education will not be implemented because it is not reasonable. While we can and will continue to provide the necessary training to support and ensure school districts are aware of legal requirements, the responsibility and authority for the enforcement of a "free education" rests with each local education agency, including school districts.

The enforcement of a "free education" continues to be a matter of legal contention at the state level that we monitor on a continuous basis. Should new requirements be forthcoming from Sacramento, we will ensure that school districts are made aware of and trained on the new mandates.

On behalf of the San Diego County Office of Education, I share your interest in ensuring that school districts in San Diego County understand what is included in a free education. The County Office will continue to explore opportunities to work with and assist school districts on this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Ward', with a large, stylized flourish extending from the end.

Randolph E. Ward, Ed. D.
County Superintendent of Schools

REW:LLD:RM

cc: Laura Nicks